IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 538 of 2007(L)

PETITIONER:

M.P. CHEERU, W/O. K.P. VELAYI,
KOZHIKKARA PADI HOUSE, P.O. KOKKUR, OTHALUR,
CHIYANNUR, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

THE PONNANI CO-OPERATIVE AGRICULTURAL &
RURAL DEVELOPMENT BANK NO.M.398, P.O. PONNANI,
REPRESENTED BY SECRETARY.

BY ADV. SRI.MOHAN PULIKKAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) No. 538/2007 APPENDIX
PETITIONER'S EXHIBITS

Ext.P1: True copy of the receipts evidencing repayments of loans made by the petitioner's husband to the respondent

Ext.P2: True copy of the notice issued by the respondent to the petitioner dated 26-10-2006 in Loan No. 104/ARH(R)

//True Copy//

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S.SIRI JAGAN .J

W.P (C) No. 538 of 2007

Dated this the 9th day of March 2007

JUDGMENT

Counsel for the petitioner is absent. The petitioner has filed this writ petition on behalf of her husband who because of his age is not able to travel. He is a defaulter in payment of loan amounts to the respondent. Learned counsel for the respondent submits that although the petitioner has paid the amount as directed by order dated 4-1-2007as modified by order dated 2-2-2007, more than Rs.38,000/- is still due to be paid by the petitioner and the petitioner may be directed to pay it in two instalments. In the facts and circumstances of this case I dispose of this writ petition directing the petitioner to pay the balance amount in six equal monthly instalments starting from 1st April 2007. The subsequent instalments shall be paid on the 1st day of every month. If the petitioner or her husband pays the instalments promptly on the due dates the further coercive proceedings for recovery of the balance amounts shall be kept in abeyance by the respondents. However if the petitioner or her husband commits default in repayment of any of the instalments as directed above, it would be open to the respondents to continue further proceedings for recovery of the balance amounts without having to issue any further notice of proceeding in that regard

S.SIRI JAGAN .JUDGE

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